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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/086,355	03/01/2002	Victor Argueta-Diaz	OSU1159-183A	4162

8698 7590 02/26/2003

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EXAMINER

TRA, TUYEN Q

ART UNIT PAPER NUMBER

2873

DATE MAILED: 02/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/086,355

Applicant(s)

ARGUETA-DIAZ ET AL.

Examiner

Tuyen Q Tra

Art Unit

2873

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 June 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau. (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Oath/Declaration

1. The declaration filed 03/01/02 is acceptable.

Drawings

2. The drawings in this application are objected to by the Draftsperson as for the reasons noted on the attached Notice of Draftsperson's Patent Drawing Review, form PTO-948.

Claim Objections

3. Claims 1, 9, 11, 19 and 21 objected to because of the following informalities:
Claims 1, 9, 11, 19 and 21, term "capable of" should be changed to "operable for".

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

- a) Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
- b) Claims 1 and 11 recite "a plurality of output positions, each of said plurality of output positions adapted to receive a light beam" which is not a part of the claims invention because there is not any relationship with the rest of the claims. In addition, the term "output positions" is not a physical device, therefore it can't be adapted to receive a light beam.
- c) Claim 1 recites "a given light beam" in lines 9, line 17 and line 21, which derive a question whether or not they are all the same given light beam. If they are the same then they are

incorrectly written. If they are different, then they should be written in numerical ordered such as a first give light beam, a second given light beam, a third given light beam...etc.

d) Claim 1 recites "a spatial light modulator" in line 9 and line 18, which derive a question whether or not they are all the same spatial light modulator. If they are the same then they are incorrectly written. If they are different, then they should be written in numerical ordered such as a first spatial light modulator, a second spatial light modulator...etc.

e) Claim 11 recites "a given light beam" in line 10, line 17 and line 22, which derive a question whether or not they are all the same light beam. If they are the same then they are incorrectly written. If they are different, then they should be written in numerical ordered such as a first give light beam, a second given light beam, a third given light beam...etc.

f) Claim 11 recites "a spatial light modulator" in lines 11 and 18, which derive a question whether or not they are all the same spatial light modulator. If they are the same then they are incorrectly written. If they are different, then they should be written in numerical ordered such as a first spatial light modulator, a second spatial light modulator...etc.

g) Claims 2-10 and 12-20 are rejected because they depend on one of the claims above.

Allowable Subject Matter

5. Claim 21 would be allowable if written to overcome the Claim Objection set forth in this Office action.

Art Unit: 2873

The reason for the indication of allowable subject matter is that a spot displacement comprising of at least one column, the spot displacement being operable for shifting a light beam by at least one row on the spot displacement device, each additional column of the spot displacement device operable for displacing the light beam by at least twice the displacement of the previous column disclosed in the claims is not found in the prior art.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuyen Tra whose telephone number is (703) 306-5712. The examiner can normally be reached on Monday to Thursday from 8:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Epps, can be reached on (703) 308-4883. The fax number for this Group is (703) 308-7722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

Examiner: Tuyen Tra

Date: February 21, 2003


Hung Xuan Dang
Primary Examiner